



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTE OF THE LICENSE
OF

DENISE McCOOL-VOGEL, R.N.
LICENSE #26NR07352600

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

:
: Administrative Action
:
: **FINAL ORDER OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Denise McCool-Vogel ("Respondent") is a registered professional nurse in the State of New Jersey and is the holder of License Number 26NR07352600. Respondent has been a licensee at all times relevant hereto.

2. On November 29, 2011, a Final Order of Discipline was

filed by the Board, imposing upon Respondent a reprimand for falsifying her continuing education information on her license renewal application dated May 18, 2009, and imposing a \$450.00 penalty for failing to complete her continuing education, and failing to respond to the Board's inquiry regarding the discrepancy in her continuing education information.

3. On September 19, 2011, in response to the July 13, 2011 Provisional Order of Discipline which preceded that Final Order, Respondent submitted to the Board documentation of thirty two (32) credits of continuing education.

4. On May 16, 2011, Respondent complete an online renewal of her license. Respondent answered "yes" to question #2 which asked whether she would have completed the required continuing education credits by May 31, 2011.

5. To date, Respondent has not submitted certificates of completion for a twenty eight (28) remaining credits due for the period June 1, 2009 through May 31, 2011.

CONCLUSIONS OF LAW

The Board finds that Respondent's use of misrepresentation during the license renewal process in falsifying her continuing education information, constitutes a violation of N.J.S.A. 45:1-21(b) and N.J.A.C. 13:37-5.3, subjecting

Respondent to disciplinary action as a second offense pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 20, 2011, provisionally suspending respondent's nursing license, imposing a public reprimand, and a civil penalty of \$250.00. A copy was forwarded to respondent at her address of record in Howell, New Jersey. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the sated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusion should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the Provisional Order sent by means of certified mail was returned as unclaimed, the regular mailing was not returned,. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. The Board noted that prior to receiving the Provisional Order of Discipline, respondent submitted

documentation of an additional 30 contact hours of continuing education, attributable to the 2009-2011 renewal period. Accordingly, the Board determined that the suspension provisionally imposed by the Provisional Order was no longer applicable. Inasmuch as no material discrepancies had otherwise been raised with respect to the findings of fact and conclusions of law of the Provisional Order, and the certificates of completion submitted were all dated December 7, 2011, significantly after the May 31, 2011 date, the Board further determined that additional proceedings were not necessary and that the Provisional Order should be made final.

ACCORDING,

IT IS on this 25th Day of June, 2012,

ORDERED that:

1. A reprimand is imposed on Respondent for falsifying her continuing education information on her license renewal application dated May 16, 2011.
2. A civil penalty in the amount of \$250.00 is imposed on Respondent for failing to timely complete twenty eight (28) continuing education credits required for biennial renewal of her nursing license. Payment shall be by certified check or money order, payable to the State of New Jersey, and

submitted within fifteen (15) days of the filing of this
Order.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy Ph.D. APN
Patricia Ann Murphy, Ph.D., APN, C
Board President